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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,700	03/04/1999	URBAN WIDLUND	000515-141	3507

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EXAMINER

KIDWELL, MICHELE M

ART UNIT PAPER NUMBER

3761

DATE MAILED: 04/25/2003

33

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/194,700

Applicant(s)

WIDLUND, URBAN

Examiner

Michele Kidwell

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 13-17, 19, 20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 13-17, 19, 20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 31, 2003 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1 – 8, 10, 13 – 17, 19 – 20 and 22 have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that the applicant's response inadvertently states that claims 1 – 8, 10 and 13 – 22 are pending. The amendment dated January 31, 2003 cancels claims 18 and 21 thereby leaving only claims 1 – 8, 10, 13 – 17, 19 – 20 and 22 as pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 10, 16 – 17, 19 – 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US 3,799,167).

With respect to claim 1, Miller et al. (hereinafter “Miller”) discloses an absorbent article comprising a liquid-pervious surface layer (16), a liquid-impervious surface layer (18) and an absorbent body enclosed between the two surface layers (14) wherein the article further exhibits a wetting region wherein the liquid-pervious surface layer within the wetting region is constituted of hydrophilic absorbent material and all remaining parts of the liquid-pervious surface layer are constituted of a hydrophobic material (16’), and wherein an extent of the wetting region is smaller than an extent of the absorbent body as set forth in figure 2.

As to claims 3 and 5, Miller discloses an absorbent article wherein the hydrophilic material in the liquid-pervious surface layer primarily consists of hydrophilic absorbent fibers as set forth in col. 1, lines 40 – 48.

Regarding claim 10, Miller discloses an absorbent article wherein the hydrophobic material in the liquid pervious surface layer is constituted of a hydrophilic material which has been rendered hydrophobic as set forth in col. 2, lines 14 – 20.

With respect to claim 16, Miller discloses a method for maintaining a mucous member of a user moist with an absorbent article, the absorbent article including an absorbent body (14), a liquid impervious layer (18), and a liquid pervious layer (16), the liquid pervious layer constituting both a hydrophobic material and a hydrophilic absorbent material, where the hydrophilic absorbent material forms a wetting region of

the liquid pervious layer that is a region that is intended to be first wetted by body fluid and all remaining parts of the liquid pervious layer are hydrophobic, the absorbent body being enclosed between the liquid pervious layer and the liquid impervious layer, the method comprising: wearing the absorbent article such that the wetting region is adjacent the mucous membrane of the user and the wetting region receives body fluids emitted from the user; retaining at least a portion of the body fluids in the hydrophilic absorbent material; and maintaining the mucous membrane of the user moist with the body fluids retained in the hydrophilic absorbent material of the wetting region, wherein an extent of the wetting region is smaller than an extend of the absorbent body as set forth in the rejection of claim 1.

As to claim 17, Miller discloses an absorbent article wherein the wetting region covers at least a portion of the absorbent body as set forth in figure 2.

With reference to claim 19, Miller discloses an absorbent article comprising a liquid pervious surface layer (16), a liquid impervious surface layer (18), an absorbent body enclosed between the two surface layer (14), wherein the article further exhibits a wetting region adapted to be disposed adjacent the mucous membranes of the user, which is the region of the liquid pervious surface layer which is intended to first be wetted by body fluid emitted to the article, (figure 1), wherein the liquid pervious surface layer within the wetting region is constituted of hydrophilic absorbent material that is adapted to retain moisture, at least at the surface of the liquid pervious surface layer which is intended to be facing the user during use so as to maintain the mucous membranes of the user moist, and that all remaining parts of the liquid pervious surface

layer are constituted of a hydrophobic material, and wherein at least a portion of the remaining parts of the liquid pervious surface layer extend over the absorbent body as set forth in the rejection of claim 1 and in figure 2.

With reference to claim 20, Miller discloses a wetting region that covers at least a portion of the absorbent body as set forth in figure 2.

With respect to claim 22, Miller discloses a method for maintaining a mucous member of a user moist with an absorbent article, the absorbent article including an absorbent body (14), a liquid impervious layer (18), and a liquid pervious layer (16), the liquid pervious layer constituting both a hydrophobic material and a hydrophilic absorbent material, where the hydrophilic absorbent material forms a wetting region of the liquid pervious layer that is a region that is intended to be first wetted by body fluid and all remaining parts of the liquid pervious layer are hydrophobic, the absorbent body being enclosed between the liquid pervious layer and the liquid impervious layer, the method comprising: wearing the absorbent article such that the wetting region is adjacent the mucous membrane of the user and the wetting region receives body fluids emitted from the user; retaining at least a portion of the body fluids in the hydrophilic absorbent material; maintaining the mucous membrane of the user moist with the body fluids retained in the hydrophilic absorbent material of the wetting region, wherein at least a portion of the remaining parts of the liquid pervious surface layer extend over the absorbent body as set forth in the rejection of claim 1 and in figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US 3,799,167).

With reference to claims 4 and 6, the examiner contends that the use of any hydrophilic, absorbent material would yield the same results as the claimed hydrophilic, absorbent material because the applicant has not established that one hydrophilic material would function any better than another hydrophilic material. Additionally, it would have been an obvious substitution to one ordinary skill in the art to substitute one hydrophilic material for another based on the desired end product.

Claims 2, 7 – 8 and 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as applied to claims 1, 3, 5 10, 16 – 17, 19 – 20 and 22 above, and further in view of Bien et al. (US 5,885,268).

The difference between Miller and claim 2 is the provision that the article exhibits a hump projecting from the liquid-pervious surface layer wherein the hump on the article at least partially coincides with the wetting region.

Bien et al. (hereinafter "Bien") teaches an article exhibiting a hump projecting from the liquid pervious surface layer as set forth in figure 5.

It would have been obvious to one of ordinary skill in the art to modify the absorbent article of Miller to employ a hump in the wetting region because the hump would provide improved contact of the absorbent article with the wearer as taught by Bien in col. 3, lines 36 – 44.

Regarding claim 7, Bien teaches an article wherein the liquid pervious surface layer comprises a laminate of a first liquid-pervious layer, hydrophobic material layer arranged closest to the absorbent body (col. 9, lines 50 – 55) and a second, liquid-pervious, hydrophilic material layer of substantially a same extension as the wetting region of the article, arranged outside the first material layer and intended to bear on the body of the user in the wetting region during use as set forth in col. 8, line 50 to col. 9, line 36 and figure 5.

With reference to claim 8, Bien teaches an article wherein the material is structured as claimed by the applicant and further exhibits an opening, of substantially the same extension as the wetting region of the article, through which the hydrophilic layer is exposed as set forth in col. 8, line 50 to col. 9, line 55. Bien teaches that the hydrophobic material layer may be an apertured plastic film. In this instance, the underlying hydrophilic layer would be exposed.

As to claim 13, Bien teaches an article comprising a shaping member which, by means of influence from forces which the article is subjected to during use, has an ability to bring the wetting region into contact with the mucous membranes of the user as set forth in col. 3, lines 45 – 54 and col. 12, line 50 to col. 13, line 6.


With reference to claim 14, the examiner contends that the use of any hydrophilic, absorbent material would yield the same results as the claimed hydrophilic, absorbent material because the applicant has not established that one hydrophilic material would function any better than another hydrophilic material. Additionally, it would have been an obvious substitution to one ordinary skill in the art to substitute one hydrophilic material for another based on the desired end product.

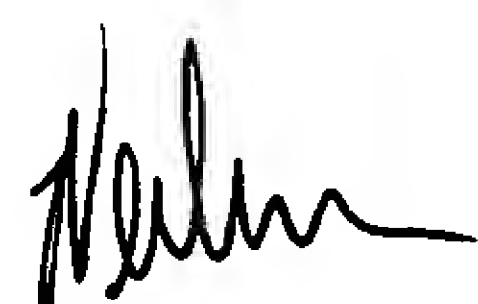
With respect to claim 15, Bien teaches the shaping member as an insert as set forth in col. 15, lines 11 to col. 16, line 8 and figure 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele M. Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday thru Friday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 703-308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Michele Kidwell
April 16, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
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